

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 3:09CR112-P-A

**QUAWI GATES, JACQUISHA DENISE SIMS,
GARRION LIGGINS, MICHAEL ELLIOTT,
and MEKENZIE YOUNG**

DEFENDANTS.

ORDER OF CONTINUANCE

This matter comes before the court upon Defendant Michael Elliott's first Motion to Continue Trial [55]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for December 7, 2009. Defense counsel requests a continuance to afford more time to investigate the allegations, obtain and evaluate the potential evidence to be presented at trial, and continue plea negotiations.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(7)(A), the period of delay from December 7, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial. The time is also excludable as to Defendant Elliott's co-defendants pursuant to 18 U.S.C. section 3161(h)(6) because the period of delay is reasonable and no motion for severance has been granted.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Michael Elliott's first Motion to Continue Trial [55] is **GRANTED**;

(2) Trial of this matter is continued **as to all defendants** until Monday, February 8, 2010 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from December 7, 2009 to February 8, 2010 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is January 19, 2010; and

(5) The deadline for submitting a plea agreement is January 25, 2010.

SO ORDERED this the 17th day of November, A.D., 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE